

Congressional Notes

Fax Facts Information Your Constituent Should Know About Faxes

Unsolicited Advertisements Sent To Home and Business Fax Machines

The FCC's rules prohibit the transmission of unsolicited advertisements to fax machines.

No person may transmit an advertisement describing the commercial availability or quality of any property, goods, or services to your constituent's fax machine without your constituent's prior express permission or invitation.

Established Business Relationship and Faxes

Your constituent has an established business relationship with a person or entity if your constituent has made an inquiry, application, purchase or transaction regarding products or services offered by such person or entity.

If your constituent has an established business relationship with the person or entity sending the message, an invitation or permission to receive unsolicited fax advertisements is presumed to exist.

Your constituent can end this relationship by telling the person or entity that your constituent does not want any more unsolicited advertisements sent to their fax machine.

The FCC's rules require that any message sent to a fax machine must clearly mark on the first page or on each page of the message:

- ☐ the date and time the transmission is sent;
- ☐ the identity of the sender; and
- ☐ the telephone number of the sender or of the sending fax machine.

All fax machines manufactured on or after December 20, 1992 and all facsimile modem boards manufactured on or after December 13, 1995 must have the capability to clearly mark such identifying information on the first page or on each page of the transmission.

